



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Forty-eighth Meeting Day

Tuesday Morning

April 24, 2007

The House convened at 10:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for health and well-being (printed January 11, 2007).

The Pledge of Allegiance to the Flag was led by Representative Jackie S. Walorski.

The Speaker ordered the roll of the House to be called:

Austin	Klinker
Avery <input type="checkbox"/>	Knollman
Bardon	Koch
Battles	Kuzman
Behning <input type="checkbox"/>	L. Lawson
Bell <input type="checkbox"/>	Lehe
Bischoff	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain <input type="checkbox"/>
C. Brown	Micon <input type="checkbox"/>
T. Brown <input type="checkbox"/>	Moses
Buck	Murphy
Buell <input type="checkbox"/>	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cheney	Oxley
Cherry	Pelath
Cochran	Pflum
Crawford	Pierce <input type="checkbox"/>
Crooks <input type="checkbox"/>	Pond
Crouch	Porter <input type="checkbox"/>
Davis	Reske <input type="checkbox"/>
Day	Richardson
Dembowski <input type="checkbox"/>	Ripley
Denbo	Robertson <input type="checkbox"/>
Dermody	Ruppel
Dickinson	Saunders
Dobis	M. Smith
Dodge	V. Smith
Duncan <input type="checkbox"/>	Soliday <input type="checkbox"/>
Dvorak	Stemler
Eberhart	Stevenson
Elrod	Stilwell <input type="checkbox"/>
Espich	Stutzman
Foley	Summers
Friend <input type="checkbox"/>	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Herrell	Welch <input type="checkbox"/>
Hinkle	Whetstone
Hoy	Wolkins
Kersey	Mr. Speaker

Roll Call 573: 82 present; 18 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, April 25, 2007, at 10:00 a.m.

HOY

Motion prevailed.

Journal Clerk's Note: The House had been scheduled to reconvene on Monday, April 23, 2007. Session for April 23 was cancelled because of the funeral services for Senator Tim Skinner's daughter.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 9:

Advisor: Weatherwax replacing Landske

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 339 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Merritt, Chair; and Lanane

Advisors: Alting, Becker, Broden, and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 463 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Heinold, Chair; and Hume

Advisors: Wyss and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 537 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kruse, Chair; and Lewis

Advisors: M. Young and Deig

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 68, 70, 73, and 74 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 103 and 105 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 190, 411, 434, and 526 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 23, 2007, I signed into law House Enrolled Acts 1012, 1033, 1037, 1065, 1128, 1335, 1391, 1477, 1489, 1595, 1623, 1654, and 1693.

MITCHELL E. DANIELS, JR.
Governor

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 94-1; filed April 23, 2007, at 10:40a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 94 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, line 15, after "IC 3-6-6-40" insert ", AS AMENDED BY P.L.23-2005, SECTION 16,".

Page 6, delete lines 12 through 19, begin a new paragraph and insert:

"(d) In all written examinations to determine the qualifications of applicants for entrance into state service:

- (1) ten (10) points shall be added to the earned rating of persons taking **the** competitive examination under subsection (c)(1) or (c)(2);
- (2) five (5) points shall be added to the earned ratings of persons taking **the** competitive examination under subsection (c)(3); and
- (3) two (2) points shall be added to the earned rating of persons taking **the** competitive examination under

subsection (c)(4).".

Page 8, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 9. IC 4-15-12-1, AS AMENDED BY SEA 526-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Affected class" means:

- (1) minorities;
- (2) women;
- (3) persons with disabilities; and
- (4) persons forty (40) years of age and older.

"Affirmative action policy" means the state's affirmative action policy established in section 2 of this chapter.

"Persons with disabilities" means all persons who by reason of physical or mental ~~defect~~ **disability** are unable to achieve full vocational participation.

"Minorities" means persons identified as Blacks, Native Americans, Asian Americans, and Hispanics.

"Office" means the Indiana affirmative action office created by this chapter.

"State agency" means any department, agency, commission, division, authority, board, bureau, or office of the state under the executive authority of the governor, except any state educational institution.

"Underutilization" means having fewer members of an affected class in a particular job category and classification than would be reasonably expected by their availability in the labor market for that job category and classification.".

Page 9, delete lines 1 through 9.

Page 10, delete lines 12 through 16, begin a new paragraph and insert:

"SECTION 11. IC 5-1-16-1, AS AMENDED BY SEA 524-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana finance authority.".

Page 49, delete lines 5 through 42.

Page 50, delete lines 1 through 11.

Page 64, delete lines 38 through 42.

Page 65, delete lines 1 through 27.

Page 71, delete lines 25 through 32, begin a new paragraph and insert:

"SECTION 89. IC 12-12-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The director shall organize the bureau in the manner necessary to carry out the bureau's duties. However, the bureau must include the following:

- (1) The unit of services for ~~the individuals who are~~ blind and **individuals who are** visually impaired.
- (2) The unit of vocational rehabilitation.
- (3) The unit of services for ~~the individuals who are~~ deaf and **individuals who are** hard of hearing.".

Page 78, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 102. IC 12-21-2-3, AS AMENDED BY SEA 526-2007, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) In addition to the general authority granted to the director under IC 12-8-8, the director shall do the following:

- (1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.
- (2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.
- (3) Subject to the approval of the budget director and the

governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.

(4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.

(5) Adopt rules under IC 4-22-2 for the following:

(A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.

(B) Licensing supervised group living facilities described in IC 12-22-2-3 for individuals ~~who are mentally ill~~ **with a mental illness**.

(C) Certifying community residential programs described in IC 12-22-2-3 for individuals ~~who are mentally ill~~ **with a mental illness**.

(D) Certifying community mental health centers to operate in Indiana.

(E) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:

(i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.

(ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.

(iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or provider assignment.

(iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.

(6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for undergraduate and postgraduate degrees and to provide continuing education and research.

(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.

(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or managed care providers.

(12) Establish, maintain, and reallocate before July 1, 1996, one-third (1/3), and before January 1, 1998, the remaining two-thirds (2/3) of the following:

(A) long term care service settings; and

(B) state operated long term care inpatient beds;

designed to provide services for patients with long term psychiatric disorders as determined by the quadrennial actuarial study under IC 12-21-5-1.5(9). A proportional number of long term care service settings and inpatient beds must be located in an area that includes a consolidated city and its adjacent counties.

(13) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(14) Establish standards for each element of the continuum of care for community mental health centers and managed care providers.

(b) As used in this section, "long term care service setting" means the following:

(1) The anticipated duration of the patient's mental health setting is more than twelve (12) months.

(2) Twenty-four (24) hour supervision of the patient is available.

(3) A patient in the long term care service setting receives:

(A) active treatment if appropriate for a patient with a chronic and persistent mental disorder or chronic addictive disorder;

(B) case management services from a state approved provider; and

(C) maintenance of care under the direction of a physician.

(4) Crisis care is available.

(c) Funding for services under subsection (a)(12) shall be provided by the division through the reallocation of existing appropriations. The need of the patients is a priority for services. The division shall adopt rules to implement subsection (a)(12) before July 1, 1995."

Delete pages 79 through 80.

Page 81, delete lines 1 through 10.

Page 104, delete lines 3 through 33, begin a new paragraph and insert:

"SECTION 156. IC 16-18-2-179, AS AMENDED BY SEA 526-2007, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. (a) "Hospital", except as provided in subsections (b) through (g), means a hospital that is licensed under IC 16-21-2.

(b) "Hospital", for purposes of IC 16-21, means an institution, a place, a building, or an agency that holds out to the general public that it is operated for hospital purposes and that it provides care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services. The term does not include the following:

(1) Freestanding health facilities.

(2) Hospitals or institutions specifically intended to diagnose, care, and treat the following:

(A) ~~Mentally ill~~ **Individuals with a mental illness** (as defined in ~~IC 12-7-2-131~~ **IC 12-7-2-117.6**).

(B) Individuals with developmental disabilities (as defined in IC 12-7-2-61).

(3) Offices of physicians where patients are not regularly kept as bed patients.

(4) Convalescent homes, boarding homes, or homes for the aged.

(c) "Hospital", for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-5.

(d) "Hospital", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-9.

(e) "Hospital" or "tuberculosis hospital", for purposes of IC 16-24, means an institution or a facility for the treatment of individuals with tuberculosis.

(f) "Hospital", for purposes of IC 16-34, means a hospital (as defined in subsection (b)) that:

(1) is required to be licensed under IC 16-21-2; or

(2) is operated by an agency of the United States.

(g) "Hospital", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 94 as reprinted March 7, 2007.)

LANDSKE	VAN HAAFTEN
BRODEN	FOLEY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1214 because it conflicts with SEA 419-2007 without properly recognizing the existence of SEA 419-2007, has had Engrossed House Bill 1214 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1214 be corrected as follows:

Page 3, line 2, after "IC 32-31-4-5" insert ", AS AMENDED BY SEA 419-2007, SECTION 77,".

Page 3, line 7, delete "IC 26-1-7-210(2)." and insert "IC 26-1-7-210(b)."

(Reference is to EHB 1214 as printed March 16, 2007.)

PELATH, Chair
WHETSTONE, R.M.M.
PIERCE, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1424 because it conflicts with SEA 526-2007 without properly recognizing the existence of SEA 526-2007, has had Engrossed House Bill 1424 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1424 be corrected as follows:

Page 1, line 1, delete "P.L.4-2005,".

Page 1, line 2, delete "SECTION 144," and insert "SEA 526-2007, SECTION 388,".

Page 2, line 3, delete "institution of higher education" and insert "postsecondary educational institution".

Page 2, line 15, delete "institution of higher education," and insert "postsecondary educational institution,".

Page 4, line 1, delete "P.L.4-2005,".

Page 4, line 2, delete "SECTION 145," and insert "SEA 526-2007, SECTION 389,".

Page 4, line 21, delete "an institution of".

Page 4, line 22, delete "higher education" and insert "a postsecondary educational institution".

(Reference is to EHB 1424 as printed March 20, 2007.)

PELATH, Chair
WHETSTONE, R.M.M.
AUSTIN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1427 because it conflicts with SEA 526-2007 without properly recognizing the existence of SEA 526-2007, has had Engrossed House Bill 1427 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1427 be corrected as

follows:

Page 1, line 1, delete "P.L.101-2006,".

Page 1, line 2, delete "SECTION 4," and insert "SEA 526-2007, SECTION 101,".

Page 1, line 17, delete "an institution of" and insert "a state educational institution,".

Page 2, line 1, delete "higher education,".

(Reference is to EHB 1427 as printed March 13, 2007.)

PELATH, Chair
WHETSTONE, R.M.M.
AUSTIN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 106 because it conflicts with SEA 526-2007 without properly recognizing the existence of SEA 526-2007, has had Engrossed Senate Bill 106 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 106 be corrected as follows:

Page 1, line 1, delete "P.L.1-2006," and insert "SEA 526-2007, SECTION 108,".

Page 1, line 2, delete "SECTION 128,".

Page 1, line 7, after "Indiana" insert "postsecondary educational".

Page 1, line 7, delete "institutions of higher" and insert "institutions,".

Page 1, line 8, delete "education,".

(Reference is to ESB 106 as printed March 21, 2007.)

PELATH, Chair
WHETSTONE, R.M.M.
RESKE, Sponsor

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 79

Representatives Klinker, Micon, Bauer, and Crawford introduced House Concurrent Resolution 79:

A CONCURRENT RESOLUTION honoring President Gerald I. Lamkin.

Whereas, Gerald I. Lamkin will step down as President of Ivy Tech Community College on June 30, 2007;

Whereas, President Lamkin has guided Ivy Tech Community College from a vocational school to Indiana's community college, serving over 100,000 students annually and offering more than 150 degree programs;

Whereas, President Lamkin took over the reins of Ivy Tech Community College on January 1, 1983, making him the longest standing current president of a public institution of higher education in Indiana;

Whereas, President Lamkin has been a member of the Ivy Tech staff in various capacities since 1967, when he began as an accounting and management instructor for the Indianapolis campus;

Whereas, For the next five years, President Lamkin served as the Accounting and Management Chair, Director of Education, Business Manager, and Director of Community Services for the Indianapolis campus and as Director of Development for the Anderson, Marion, and Muncie campuses;

Whereas, In 1972, President Lamkin was named Vice President of the college and Dean for the Anderson, Connersville, Marion, Muncie, and Richmond campuses, a position he held for seven years;

Whereas, In 1979, President Lamkin was named Vice President for Regional Operations, a position he held until being named President in 1983;

Whereas, Under President Lamkin's leadership, Ivy Tech has seen its enrollment increase by over 300% to nearly 106,000 students annually, making Ivy Tech the second largest postsecondary institution in Indiana;

Whereas, President Lamkin has seen the contributions to the Ivy Tech Foundation increase from just over \$350,000 to over \$13.5 million and the total net assets managed by the Foundation have increased from \$1.24 million to over \$46.7 million;

Whereas, As President of Ivy Tech Community College, Gerald Lamkin has always sought to provide Hoosiers access to affordable education;

Whereas, During his tenure, Ivy Tech has consistently had the state's lowest tuition, and the support for Ivy Tech in communities around Indiana has helped the college increase the number of buildings owned or leased from 153 in 1983 to 216 buildings today, an increase of over 40 percent;

Whereas, President Lamkin began his tenure at Ivy Tech when the school was named Indiana Vocational Technical College; in 1995 the school became Ivy Tech State College;

Whereas, In 2005, Governor Mitch Daniels signed Senate Bill 296, making Ivy Tech Indiana's community college and changing the name to Ivy Tech Community College;

Whereas, President Lamkin has received numerous awards and recognitions for his dedication and service to his community, including a Sagamore of the Wabash award from Governors Robert D. Orr, Evan Bayh, Frank O'Bannon, and Joseph Kernan, the Shirley B. Gordon Distinguished College Presidents' Award, and the Alumnus of the Year Award from Indiana University. In addition, President Lamkin is a member of the Phi Theta Kappa International Honor Society of the Two-Year College, and the Order of Kentucky Colonels; and

Whereas, President Lamkin stands as a shining example of a man whose devotion to education and young people has helped more than 750,000 Hoosiers gain access to higher education since 1983: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Gerald I. Lamkin for his dedication and devotion to higher education and the citizens of Indiana and wishes him happiness and prosperity in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to President Gerald I. Lamkin and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Alting.

House Concurrent Resolution 80

Representatives Lehe and McClain introduced House Concurrent Resolution 80:

A CONCURRENT RESOLUTION congratulating the Frontier livestock judging team on its victory at the Southeastern National Livestock Judging Contest.

Whereas, Participation on a livestock judging team gives young people the opportunity to learn the skill of livestock evaluation and to express their opinions through oral presentation;

Whereas, Livestock judging team members learn to apply

scientific principles of animal growth, evaluation, and selection to different types of animals and to analyze breeding and market classes of beef cattle, swine, and sheep;

Whereas, Livestock judging competitions are held throughout the United States, challenge the team members, and determine the knowledge and communication skills that the team members have obtained;

Whereas, There are three levels in livestock judging competitions - area, state, and national;

Whereas, Under the direction of John Culver, the Frontier judging team worked diligently;

Whereas, The team placed first in the area competition with Courtney Wesner finishing first, Carly Wesner finishing third, Jake Sullivan finishing fourth, and Bailey Wesner finishing ninth;

Whereas, In order to advance to the national competition, a team must be one of the top six teams in the state competition, and the Frontier judging team finished fifth;

Whereas, The team members' hard work and dedication paid off when they were victorious at the Southeastern National Livestock Judging Contest in Raleigh, North Carolina;

Whereas, The team placed first overall, first in the sheep division, first in the beef division, second in the swine division, and first in oral reasons;

Whereas, In addition to the team's accomplishment, Courtney Wesner was high individual, first in oral reasons, first in the swine division, and first in the beef division; Carly Wesner placed fourth overall individually, sixth in oral reasons, seventh in the swine division, and third in the beef division; and Bailey Wesner placed sixth in the beef division; and

Whereas, When it comes to preparing future leaders for agriculture and the livestock industry, few forms of educational training can compare with the experience that these young people have gained from participating on the judging team: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Frontier livestock judging team on its victory in the Southeastern National Livestock Judging Contest and wishes the team continued success in all its future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Courtney Wesner, Carly Wesner, Bailey Wesner, and Jake Sullivan, and coach John Culver.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hershman.

House Resolution 65

Representative Walorski introduced House Resolution 65:

A HOUSE RESOLUTION honoring the NorthWood High School bands.

Whereas, The NorthWood High School bands have enjoyed unequalled success over the past six years;

Whereas, Under the direction of Barry Houser, the bands have gained regional and national prominence, which led to several national performances;

Whereas, The bands have been chosen to represent Indiana in the National Memorial Day Parade in Washington, D.C. in May, 2007, and appear in the 74th Annual Hollywood Christmas Parade, the Disneyland Main Street Parade, and the Hollywood Bands at the Bowl;

Whereas, The NorthWood bands have had the opportunity to perform with the internationally known Dallas Brass, to open for Maynard Ferguson and his Big Bop Nouveau Band, and to appear on the front cover of the JW Pepper's Sheet Music Magazine, which is distributed nationwide;

Whereas, The Red Regiment was an Indiana State School Music Association (ISSMA) state finalist in 1991, 1998, 1999, and 2003, and the bands consistently earn gold ratings in all marching, concert, and jazz ISSMA competitions; and

Whereas, The performances of the NorthWood High School bands have provided hours of musical entertainment for thousands of Hoosiers throughout the years; the band program helps students attain their highest standard of musical performance and prepares them to meet the challenges of the future: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates NorthWood High School bands on their successes and encourages the students to continue to set their goals high.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to all band members, director Barry Houser, principal David Maugel, and superintendent Joe Sabo.

The resolution was read a first time and adopted by voice vote.

House Resolution 66

Representatives Bell and Richardson introduced House Resolution 66:

A HOUSE RESOLUTION honoring Aaron Patrick Krieger who has served as a legislative intern for the Indiana House of Representatives during the First Regular Session of the 115th Indiana General Assembly.

Whereas, Aaron Patrick Krieger served as a legislative intern for the Republican Caucus of the Indiana House of Representatives during the First Regular Session of the 115th Indiana General Assembly;

Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly;

Whereas, During his internship, Aaron Patrick Krieger served Representatives Bell, Pond, and Ulmer and Morgan Hodge;

Whereas, Aaron Patrick Krieger attends Purdue University majoring in Political Science and Philosophy with minors in Religious Studies and Peace Studies;

Whereas, Aaron Patrick Krieger maintains a 3.55 grade point average and has appeared on the Dean's List;

Whereas, Aaron Patrick Krieger is a member of Pi Sigma Alpha and the Pre Law Society, participates in College Mentors for Kids, and is a Dollars for Scholars Scholarship Award winner;

Whereas, As a member of the Indiana Air Force National Guard, Aaron Patrick Krieger is preparing to serve his second tour of duty in Iraq;

Whereas, The members of the Indiana House of Representatives wish to express their gratitude to Aaron Patrick Krieger who serves his state and his country admirably; and

Whereas, Aaron Patrick Krieger displays a dedication that promotes compassionate service to each member's constituency and to the entire legislative process: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the important contributions of Aaron Patrick Krieger while serving as a legislative intern with the Indiana House of Representatives during the First Regular Session of the 115th Indiana General Assembly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Aaron Patrick Krieger.

The resolution was read a first time and adopted by voice vote.

House Resolution 67

Representative Murphy introduced House Resolution 67:

A HOUSE RESOLUTION memorializing Grant E. "Eli" Martin.

Whereas, Grant E. "Eli" Martin volunteered to join a special commando unit in World War II;

Whereas, The unit, known as Darby's Rangers, was commanded by Colonel William Darby and was the first Rangers unit since the Revolutionary War;

Whereas, Eli Martin trained with British commandos in Scotland and was one of 50 Americans to join British commandos in the raid on Dieppe, France, in 1942;

Whereas, After being captured and held prisoner on Sicily, Eli Martin escaped and made his way back to his unit in North Africa;

Whereas, Eli Martin and his fellow Darby's Rangers were part of the vanguard of the invasion of Sicily and provided critical intelligence on the enemy, helping to ensure a successful campaign by General George Patton's army;

Whereas, Darby's Rangers fought their last battle as a unit at Cisterna where they were trapped by German tanks; of the 767 Rangers participating in the fight, only six survived death or capture;

Whereas, Eli Martin was captured at Cisterna and taken to a stalag in Germany;

Whereas, While a prisoner, Eli Martin escaped and was recaptured, tortured, and imprisoned;

Whereas, Eli Martin escaped his captors a third time and made his way back to American lines, and, after convalescing, he rejoined the war effort as a member of the 10th Mountain Division;

Whereas, Eli Martin was awarded two Bronze Stars for valor and two Purple Hearts during his service with Darby's Rangers;

Whereas, At the end of his service, Eli Martin returned to Louisville, Kentucky, where he married Kathleen Perry, raised a family, and served the citizens of Louisville until his retirement;

Whereas, Eli Martin was a Mason and a member of the Scottish Rite; and

Whereas, Grant E. "Eli" Martin's life is one to be emulated by all: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its heartfelt sympathy to the family of Eli Martin and remembers Mr. Martin for his unselfish and heroic service to our country.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Grant E. Martin.

The resolution was read a first time and adopted by voice vote.

House Resolution 68

Representative Summers introduced House Resolution 68:

A HOUSE RESOLUTION recognizing the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week".

Whereas, The month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas, Child abuse causes unspeakable pain and suffering to our most vulnerable citizens;

Whereas, Among the children who are victims of abuse and neglect, more than four die in the United States each day;

Whereas, Children one year or younger accounted for approximately 45 percent of all child abuse and neglect fatalities in 2004, and children three years or younger accounted for approximately 81 percent of all child abuse and neglect fatalities in 2004;

Whereas, Abusive head trauma, including the trauma known as "Shaken Baby Syndrome", is recognized as the leading cause of death of physically abused children;

Whereas, Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas, A 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom 2/3 will be infants under one year of age, as a result of Shaken Baby Syndrome, with many cases resulting in severe and permanent disabilities;

Whereas, Medical professionals believe that thousands of additional cases of Shaken Baby Syndrome are being misdiagnosed or are not detected;

Whereas, Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and many cases result in extraordinary costs for the provision of medical care to the infant in just the first few years of life;

Whereas, The most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas, Prevention programs have demonstrated that educating new parents about the danger of shaking young children and about how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas, Education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas, Efforts to prevent Shaken Baby Syndrome are supported by advocacy groups across the United States that were formed by parents and relatives of children who have been killed or injured by shaking; and

Whereas, The Indiana House of Representatives strongly supports efforts to protect children from abuse and neglect: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the third week of April 2007, as "National Shaken Baby Syndrome Awareness Week", commends those hospitals, child care councils, schools, and other organizations that are

working to increase awareness of the danger of shaking young children, and encourages Hoosiers to remember the victims of Shaken Baby Syndrome and participate in educational programs to help prevent Shaken Baby Syndrome.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Nena Ray, THINK FIRST program Coordinator, Clarian Health and Methodist Hospital.

The resolution was read a first time and adopted by voice vote.

Representatives Crooks, Friend, and Pierce, who had been excused, were present. Representatives Crouch and Day were excused.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1312 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AUSTIN

Motion prevailed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1429.

ULMER

Roll Call 574: yeas 71, nays 3. Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1237 Conferees: Welch and Torr
Advisors: Niezgodski and Duncan

EHB 1767 Conferees: V. Smith and M. Smith
Advisors: Grubb, Cheatham, and Borrer

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 45 Conferees: L. Lawson and Foley
Advisors: Tyler and Ulmer

ESB 125 Conferees: Kuzman and Elrod
Advisors: Austin and Ulmer

ESB 165 Conferees: Orentlicher and T. Harris
Advisors: Mays, Cheney, and Wolkins

ESB 561 Conferees: L. Lawson and Wolkins
Advisors: Moses, Tyler, Leonard, and Buell

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferees appointments to Engrossed Senate Bill 529:

Advisor: Lanane replacing Skinner

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 78 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 104 and 106 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

Representative Walorski announced that early this morning two South Bend police officers were shot: Corporal Michael Norby was injured and Corporal Nick Polizzotto, a nine-year veteran of the force, was killed.

The House stood for a moment of silence in memory of Corporal Polizzotto.

Representative Pelath announced a meeting of the Committee on Rules and Legislative Procedures to begin considering conference committee reports which have been filed.

On the motion of Representative Crawford, the House adjourned at 11:15 p.m., this twenty-fourth day of April, 2007, until Wednesday, April 25, 2007, at 10:00 a.m.

B. PATRICK BAUER
Speaker of the House of Representatives

CLINTON McKAY
Principal Clerk of the House of Representatives